

GP-8, GP-9, GP-12, R&P-1, and LB-3 as amended by Style Committee Report S&D-17 by Delegates Gallagher and Sollins:

On page 3, section , Continuity of Government During Emergencies, strike out all of lines 17 through 31, inclusive, and insert in lieu thereof the following:

"The provisions of this Constitution shall not be suspended, except that the General Assembly by law shall prescribe for the temporary suspension of specific provisions during an emergency caused by disasters or enemy attack. Any suspension shall be for the period of the emergency only, and only provisions of this Constitution concerning continuity of state and local public offices and governmental operations may be suspended."

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: Mr. President, ladies and gentlemen of the Convention. In actuality the proposed Amendment No. 11 which you have before you could well be classified as a style amendment.

In looking at the unnumbered section on page 3 of S&D-17, I would feel that the Style Committee did some violence to the original meaning of this "Continuity of Government During Emergencies" section after it left the Committee of the Whole.

You may remember that there was colloquy when this particular provision was before you, which was originally part of LB-3. At that particular time Delegate Willoner made specific reference to the question of whether or not we would allow the other provisions of the bill of rights to be suspended during an emergency. I told him that was not the intention of the Committee, that the only provisions which could be suspended by prior act of the General Assembly for an emergency would be those provisions relating to continuity of state and local public offices and governmental operations, and that furthermore, the suspension would only be during the period of the emergency, so as to strictly delimit the area in time during which suspension of the constitutional provisions could take place.

We have therefore drafted Amendment No. 11, which we think more closely parallels the original language of the Committee on the Legislative Branch, and which hopefully at the same time will also take care of any of the possible objections which those who are quite anxious to preserve

all the privileges in the bill of rights indicated during the floor debate.

Consequently, we have prepared this language with the expression of the hope that it better satisfies both the desires of the Committee on the Legislative Branch and the Committee on Personal Rights. Consequently, we would request that this amendment would receive your favorable consideration.

DELEGATE JAMES (presiding): Is there any other discussion?

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: I have a question to ask Delegate Gallagher.

DELEGATE JAMES (presiding): Does Delegate Gallagher yield?

DELEGATE GALLAGHER: Yes, sir.

DELEGATE WEIDEMEYER: Inasmuch as we so rashly and quickly struck out a guarantee provision, a provision we have had time honored in our Declaration of Rights, prohibition against suspension of laws, do you feel that this amendment saying there shall be no suspension of the constitution also would encompass the same thing in regard to suspension of laws during emergency?

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: This particular section addresses itself only to the question of suspension of constitutional provisions and not merely statutory provisions pertaining to continuity of government so far as the officers are concerned and so far as operations are concerned. It does not seek to reach the question of suspension of statutes.

DELEGATE WEIDEMEYER: Do you feel that question should be reached in our Constitution?

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: I do not think it is necessary. I think the General Assembly can address itself to what statutory provisions it would like to suspend during time of emergency, and you would not have to confer a constitutional right to do so upon the General Assembly, because what the General Assembly may ordain it may also disordain.

DELEGATE WEIDEMEYER: The question of suspension of laws, as I understand